

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)
)
) CRIMINAL NO. 09-10260-JLT
V.)
)
JOSE LUIS GARCIA,)
a/k/a CARLOS RAMOS,)
a/k/a EDDIE PEREZ)

JOINT INITIAL STATUS REPORT

The United States of America (the “government”) and the defendant, Jose Luis Garcia, by their undersigned counsel, submit this joint status report pursuant to Local Rule 116.5(A) for purposes of the Initial Status Conference, scheduled to take place on November 13, 2009, at 3:00 pm.

1. Local Rule 116.5(A)(1) – Discovery Motion Timing Requirements

The parties do not seek relief from applicable timing requirements imposed by Local Rule 116.3.

2. Local Rule 116.5(A)(2) – Expert Discovery

The government does not expect to offer expert testimony in this case.

3. Local Rule 116.5(A)(3) – Additional Discovery

The government states that Rule 16 and automatic discovery materials have been provided to defense counsel on June 23, 2009. The government is aware of its continuing discovery obligation under Fed. R. Crim. P. 16(c), and in the event that any additional Rule 16 and/or automatic discovery material arises, it will immediately provide such material to defense counsel.

4. Local Rule 116.5(A)(4) – Pretrial Motions Deadline

Defense counsel has not been able to make a determination as to whether he will be filing any dispositive motions in this case, and, therefore, requests additional time to consider this option before the Court establishes a motion date under Fed. R. Crim. P. 12.

5. Local Rule 116.5(A)(5) – Speedy Trial Act

The parties have conferred on the periods excludable from all Speedy Trial Act

calculations and agree that the following periods are excludable:

09/04/09	Initial Appearance pursuant to Rule 5, held in the District of Puerto Rico. Government moves for detention.
09/10/09	Detention Hearing in the District of Puerto Rico. Defendant waived detention hearing and requested that it be postponed until arrival to the District of Massachusetts
10/02/09	Detention Hearing in the District of Massachusetts
10/02/09 – 10/30/09	Excluded per Order (Dein, J.), dated 10/02/09

As of the instant Initial Status Conference on November 13, 2009, fourteen (14) days will have been counted and 56 days will remain under the Speedy Trial Act.

The parties request that the time between October 30, 2009, and the next status conference be excluded under the Speedy Trial, as defense counsel requested additional time to investigate the matter, and the parties are discussing a resolution short of trial.

6. Local Rule 116.5(A)(6) – Anticipated Length of Trial

In the event this matter proceeds to trial, the government estimates that the trial would last approximately 3 days.

7. Local Rule 116.5(A)(7) – Scheduling Issues

The parties request that a **Final Status Conference** be scheduled on a date that is (i) convenient for the Court, and (ii) after any deadline that is set for the government's responses to pretrial motions. As set forth above, the parties jointly request that the time between October 30, 2009, and the next status conference be excluded from all Speedy Trial Act calculations.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants.

/s/ Maxim Grinberg
MAXIM GRINBERG
Assistant U.S. Attorney

Date: November 5, 2009